

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 16-3695(DSD/FLN)

Antwaine Lavale Williams,  
Petitioner,

v.

**ORDER**

State of Minnesota, et al.,  
Respondents.

This matter is before the court upon the report and recommendation of Magistrate Judge Franklin L. Noel dated December 7, 2016 (R&R). The magistrate judge recommended that (1) the petition for habeas corpus be dismissed without prejudice; (2) the application to proceed in forma pauperis be denied; and (3) no certificate of appealability be issued. No objections to the R&R have been filed in the time period permitted. Under these circumstances, the court finds it appropriate adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 8] is adopted in its entirety;
2. The petition for habeas corpus [ECF No. 1] is dismissed without prejudice;
3. The application to proceed in forma pauperis [ECF No. 5] is denied; and
4. No certificate of appealability will be issued.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 3, 2017

s/David S. Doty  
David S. Doty, Judge  
United States District Court